



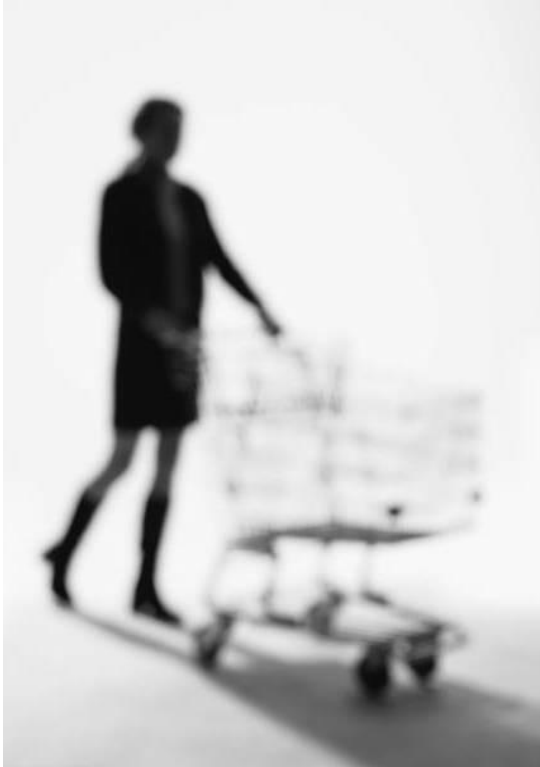
# COUNTY OF SAN DIEGO

## WHAT YOU NEED TO KNOW ABOUT A PRICE VERIFICATION INSPECTION

Department of Agriculture, Weights and Measures

Nancy Appel,  
Supervising Inspector

# What we noticed:



- Many retail stores using POS  
– Point-of –Sale Systems
- Consumer Complaints
- Overcharges/Undercharges

# Consumer Protection Act of 1999



- County Ordinance adopted February 2, 1999
  - Retail price scanners are registered with AWM.
  - Registration and reinspection fees fund inspection program.

# FEES support the program

Based on number of POS stations

— 1 – 3 POS stations = \$145

— 4 or more POS stations = \$170

Reinspection fee = \$83/hour



# Inspection Program



- Inspections are unannounced to reflect an “as found” condition.
- Inspector notifies management unless undercover (e.g. complaint or special investigation).
- Owner or management are not required to be present for the inspection.

# What to Expect During an Inspection

*Inspectors follow Business and Professions Code Section 13350.*

- 1 – 3 P.O.S. stations,  
minimum of 10 items
- 4 – 9 P.O.S. stations,  
minimum of 25 items
- 10 + P.O.S. stations  
minimum of 50 items



# During an inspection...

- A maximum of 50% sale items may be selected.
- Randomized sampling procedure:
  - used for routine inspections
  - not required for complaint investigations and follow-up inspections.



# Inspection Results



- Accuracy includes overcharges and undercharges.
- Intentional undercharge is not an error.
- Meet with manager or price coordinator to review findings.
- Errors to be corrected immediately before inspector leaves.
- Return sample items to shelves if necessary.



# Consumer Rights

## **ATTENTION CONSUMERS:**

**Check your receipt and notify store management immediately of any overcharge.**

**Consumers are entitled to pay no more than the lowest posted, advertised, or quoted price for any commodity offered for sale at a retail establishment.**

**For information or to file a complaint, contact:  
County of San Diego,**

**Department of Agriculture, Weights and Measures at:  
1-888-TRUE-SCAN (1-888-878-3722) or [www.sdcawm.org](http://www.sdcawm.org)  
Robert G. Atkins-Sealer of Weights and Measures**

*County ordinance requires this notice to be posted at each point-of-sale station.*

# Customer Display

*The California Business and Professions Code Section 13300:*

Requires retail establishments using a point-of-sale system to conspicuously display the price of the item to the consumer at the time it is entered in the system.



# Passing an Inspection!

	<b>County of San Diego</b>	
	<b>PRICE ACCURACY INSPECTION PROGRAM</b>	
	<b>NOTICE OF</b>	
	<b>PASSING INSPECTION</b>	
	Retailer:	_____
	Location:	_____
		_____
	On _____,	
	the County of San Diego Department of Agriculture, Weights and Measures	
	conducted a Price Verification Inspection at this establishment.	
	Section 12024.2 of the Business and Professions Code of California	
	requires retailers to charge no more than the posted/advertised price for	
	any commodity	
	On the above date, all items tested for price accuracy were found in full compliance	
	This notice may remain on display no later than _____	ROBERT G. ATKINS
	County of San Diego Code of Regulatory Ordinances Section 21.2012	Sealer of Weights and Measures
		Complaint Line: (888) TRUE SCAN

*Notice of Passing Inspection may be posted when no price accuracy errors are found.*

# Reinspections

- Required when a business does not pass the initial inspection with a compliance rate of 98%
- Reinspection must occur within 6 months of failed inspection
- A reinspection fee is required for follow-up inspections



# What if a violation is found?



1. Business is notified with a Notice of Violation (NOV).
2. County Sealer initiates a civil administrative action by sending business a Notice of Proposed Action (NOPA).
3. The NOPA includes:
  - Description of the violation,
  - Proposed penalty,
  - Order and Stipulation,
  - Request for a hearing

# Notice of Proposed Action



4. Business (Respondent) may either:
  - Stipulate (agree) to the action by paying the fine to the County Sealer within 45 days or
  - Request an administrative hearing within 20 days of notification. Notice of time and place of the hearing is given at least 10 days before the date set for the hearing
5. Respondent has the right to review the Sealer's evidence.
6. If respondent does not stipulate or request a hearing in a timely manner, the Sealer will file his decision with the clerk of the superior court and a judgment will be entered.

# Hearing



7. The hearing is presided over by a Hearing Officer.
8. Both sides present their evidence.
9. Hearing Officer makes proposed Decision and Order to the Sealer within 60 days.
10. Sealer mails final Decision and Order to respondent.

# Penalties



- If a penalty is imposed, it must follow Section 4802 of the California Code of Regulations to determine the amount.
- Penalties range from \$25 - \$1000 for misdemeanors and not more than \$100 for infractions.
- Penalties are due and payable within 45 days.
- Sealer's decision can be appealed to the Secretary of the Department of Food and Agriculture within 30 days.



# Notice of Failed Inspection Posting

County of San Diego  
Price Accuracy Inspection Program

**NOTICE OF FAILED INSPECTION**

This establishment has been fined  
for overcharge violation(s) found during a recent inspection.

**Charging higher than the lowest posted or advertised price,  
is a violation of Business and Professions Code  
Section 12024.2.**

The County of San Diego Department of Agriculture, Weights and Measures  
routinely conducts Price Verification Inspections to ensure accuracy.

For more information, go to [sdcawm.org](http://sdcawm.org), click on Consumer Protection.  
Complaint Line: (858) 694-2778 or 1-888-TRUE-SCAN (1-888-878-3722)

Post this Notice thru \_\_\_\_\_  
County of San Diego Code of Regulatory Ordinances Section 21.2011

ROBERT G. ATKINS  
Sealer of Weights and Measures

*Required posting after Civil Administrative Penalty process for  
multiple overcharges or a charge greater than \$1.00*

# Remember:

It is unlawful to charge an amount greater than the lowest posted or advertised amount!



# How to avoid fines<sup>vi</sup>

1. Register your POS system, commercial weighing or measuring device.
2. Remove expired sales tags.
3. Be aware of multiple tags for same item.

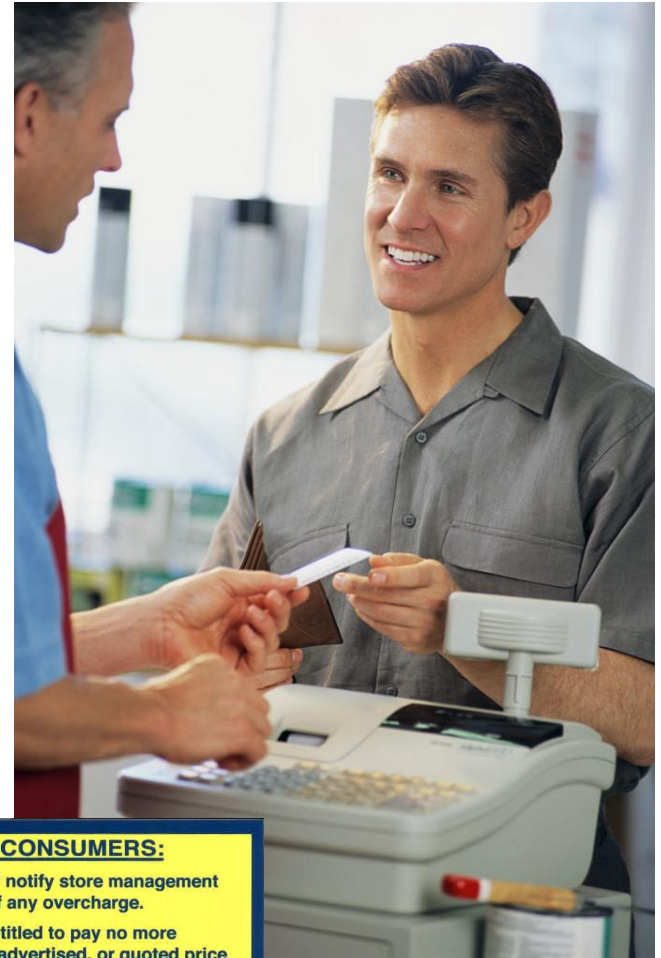


## 4. Verify prices on secondary or special locations.





5. Have a price accuracy Coordinator for internal audits.
6. Post Consumer Rights sign and Store Policy on overcharges so it is clearly visible to the consumer.



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7. Make sure the sales price and condition of sale is clear .



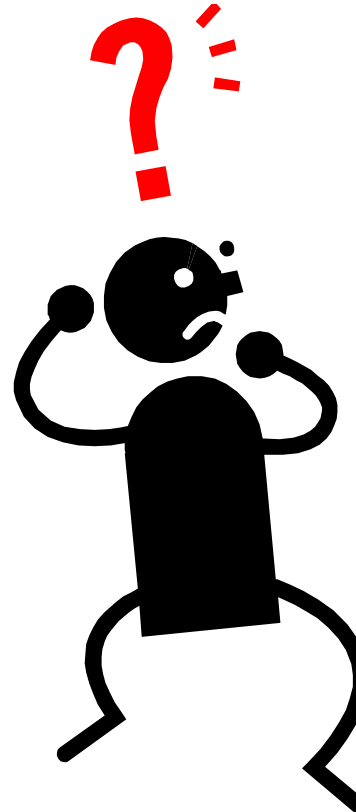
## 8. Look for mis-stocked items

WASH  
CLOTH  
SET



SIPPY  
CUP

DIFFERENT  
BRANDS



# Check Multiple Tags

9. Share inspection results and price errors with management  
– They may be able to provide more training.
10. Work with customers to resolve concerns -before they notify us.
11. Consult with our Department!





# Resources

- California Business and Professions Code, Div. 5, Sections 13300 – 13357;
- California Code of Regulations, Title 4, Div. 9, Chapter 10, Sections 4510 – 4512;
- San Diego County Code of Regulatory Ordinances, Title 2, Licenses, Business Regulations and Business Taxes, Div. 1, Business Regulations, Chapter 20, Consumer Confidence Protection Act;
- County of San Diego, Department of Agriculture, Weights and Measures, (858) 694-2778 or [www.sdcounty.ca.gov/awm](http://www.sdcounty.ca.gov/awm)

# QUESTIONS?

